

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NAIMABDULL SAVASTANO,
Plaintiff,

vs.

9:17-CV-364
(TJM/DEP)

SUPERINTENDENT D. LaCLAIR, and
CHAPLAIN D. WILDER,

Defendants.

Thomas J. McAvoy,
Sr. U.S. District Judge

DECISION & ORDER

The Court referred this case, which alleges violations of Plaintiff's rights under 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc-1(a) ("RLUIPA"), to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

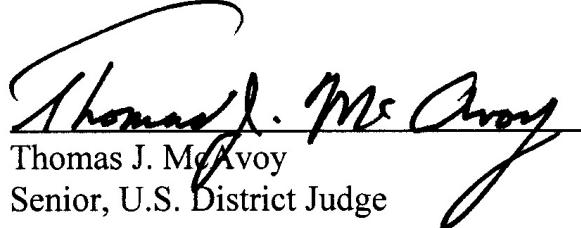
The June 1, 2018, Report-Recommendation, dkt. # 34, recommends that Defendant LaClair's motion to dismiss be granted in part and denied in part. The Report-Recommendation recommends that any claims for damages against Defendant LaClair in his official capacity be dismissed and the motion denied in all other respects.

No party filed objections to the Report-Recommendation and the time for filing such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and

the Court will accept and adopt the Report-Recommendation.

It is therefore hereby ORDERED that the Report-Recommendation of Magistrate Judge Peebles, dkt. # 34, is hereby ACCEPTED and ADOPTED. It is hereby ORDERED that Defendant LaClair's motion to dismiss, dkt. # 25, is hereby GRANTED in part and DENIED in part, as follows:

1. Plaintiff's damage claims asserted against Defendant LaClair in his official capacity are hereby DISMISSED;
2. Any claims seeking monetary damages against either of the Defendants pursuant to RLUIPA are hereby DISMISSED; and
2. The motion is DENIED in all other respects.



Thomas J. McAvoy
Senior, U.S. District Judge

IT IS SO ORDERED.

Dated: July 6, 2018